

**CALIFORNIA COASTAL COMMISSION**

45 FREMONT STREET, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5200  
FAX (415) 904-5400



**APPEAL INFORMATION SHEET  
LOCAL COASTAL PROGRAM DEVELOPMENT PERMITS**

**Please read these instructions before completing the appeal application - Appeal from Coastal Permit Decision of Local Government.**

Appeals to the Coastal Commission from local government decisions on coastal permit applications are limited to certain types of decisions. The information below outlines the limitations and also describes the requirements for filing appeals.

**Time Frame for Filing an Appeal.** An appeal must be filed by 5:00 P.M. of the 10<sup>th</sup> working day after a sufficient local government notice of final action on the permit application was received by the Commission. 14 Cal. Admin Code Section 13110. (The local government is required to send a notice of final local action to the Commission within 7 calendar days of a final local action.) The appeal must be filed in the Commission district office having jurisdiction over the affected local government. The final date for filing appeal is available from the local permit decision notices posted in the Commission's offices and may also be obtained by calling the local Commission district office.

**Persons Eligible to Appeal.** The applicant, any aggrieved person or any two members of the Commission may appeal. P.R.C. Section 30625. An "aggrieved person", is any person who, in person or through a representative, appeared at a public hearing of the local government in connection with the decision being appealed, or who, by other appropriate means prior to a hearing, informed the local government of the nature of his/her concerns or who for good cause was unable to do either. "Aggrieved person" includes the applicant for a permit. P.R.C. Section 30801.

**Decisions Which May Be Appealed.** (P.R.C. Section 30603)

- A. Within the appeals area, as shown on the Commission-adopted Post-LCP Certification Permit and Appeal Jurisdiction Map, any approval decision is appealable.
- B. In coastal counties only, an approval decision on a development that is not designated as the principal permitted use under the certified zoning ordinance, or zoning district map, is appealable.
- C. Any decision on a major works project or major energy facility is appealable.

**Proper Grounds for an Appeal.** (P.R.C Section 30603 AS AMENDED 1/1/92)

---

- A. The grounds for an appeal...[of an approval project] shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth...[in the Coastal Act].
- B. The grounds for an appeal of a denial of a permit...[for development which constitutes a major public works or a major energy facility] shall be limited to an allegation that the development conforms to the standards set forth in the certified local coastal program and the public access policies...[of the Coastal Act].

**Exhaustion of Local Appeals.** Pursuant to 14 Cal. Admin Code Section 13111 and 13573, the process of appealing a local decision to the Commission cannot begin until all possible appeals to local appellate bodies first have been made and have been exhausted; except that exhaustion of local appeals is not required if any of the following occur:

- A. The local government requires an appellant to appeal to more local appellate bodies than have been certified in the implementation section of the local coastal program, or designated in the LUP implementing procedures, as appellate bodies for permits in the coastal zone.
- B. An appellant was denied the right of initial local appeal by a local ordinance which restricts the class of persons who may appeal a local decision.
- C. An appellant was denied the right of local appeal because local notice and hearing procedures for the development did not comply with the provisions of Article 17 (LCP Implementation Regulations) of the California Administrative Code.
- D. The local government charges a fee for the filing of processing of appeals.

**Appellant Notification of Appeals.** Section III of the appeal application form is for the identification of persons interested in the project being appealed. An additional important step is that the appellant notify these persons **and** the local government of the appeal filing, within one week of the filing. Notification must be by mailing or delivering a copy of the completed appeal application form, including any attachments, to all interested parties, at the addresses provided to the local government. Failure to provide the required notification may be grounds for Commission dismissal of the appeal. 14 Cal. Admin. Code Section 13111(c).

**Commission Review of an Appeal.** If the Commission hears a coastal development permit on appeal, the Commission shall approve the permit if it finds that the proposed development is in conformity with the certified local coastal program (P.R.C. Section 30604(b)). Furthermore, every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that such development is in conformity with the public access and public recreation policies of Chapter 3 (P.R.C. Section 30604(c)). In determining whether a proposed development is in conformity with the certified LCP, the Commission may consider aspects of the project other than those identified by the appellant in the appeal itself, and may ultimately change conditions of approval or deny a permit altogether.